

1           A     Then Mr. Manuel Santiago remained, was doing  
2     the acting chief and he was doing different duties  
3     during the time that we were without a service chief.

4           Then after 1995, I think was after 1995 that there  
5     was, the implementation of the new, "la reforma", what  
6     is the --

7           Q     Okay.

8           A     Because this "reforma" was nationwide. Then  
9     there was new center director, Mr. Jim Sponds (phonetic)  
10    that was appointed to the position of interim director  
11    and he came with the directive to do merge in order to  
12    get savings in the different departments of the  
13    hospital.

14          Q     And he merged maintenance and --

15          A     The reorganization was nationwide.

16          Q     Okay.

17          A     Because before the reorganization we were  
18    working under the regional concept.

19          Q     Okay.

20          A     Then they came with what is called the Veteran  
21    Integrated Service Network.

22          Q     Okay. The VISN?

23          A     The VISN and they divided all the hospital in  
24    22, 22 pieces and we fall in between the main offices

1 and --

2 Q Okay. I know that. And after Engineer  
3 Santiago, was Mr. Bou ever the assistant chief?

4 A Well, Mr. Bou was the, the maintenance and  
5 repairs supervisor. Assistant chief per se, no, not  
6 officially in this position but he kept his title of  
7 Maintenance and Repairs supervisor.

8 Maybe he was doing some, some duties related  
9 because we have the, Engineer Santiago was the one that  
10 was finding the --

11 Q And whenever Mr. Morley was out, who will act  
12 as acting chief?

13 A Engineer Bou started because before when, with  
14 the merge that engineer, Mr. Michael Morley was selected  
15 because Engineer Santiago was interested in the position  
16 but never selected. Then he decided to, to retire.

17 Q He decided not to work under Mr. Morley's  
18 supervision?

19 A No, he was, he did not feel very, very happy.

20 Q I understand.

21 A Yes, because Mr. Morley was not an engineer.

22 Q I know that.

23 A And they were appointing a person that was in  
24 charge of the Janitorial Department and of the

1 Maintenance Department to direct professional engineers  
2 so.

3 Q And the rest of the engineers, how were you,  
4 were you happy about it too?

5 A No, I was not very happy.

6 Q Okay.

7 A Because not with, also with the reorganization  
8 that they did, never have been very happy with this.

9 Q Okay. I understand that -- Have you seen Mr.  
10 Bou's PD, his position description?

11 A No. Well, I don't remember.

12 Q You might have but you don't remember the  
13 details?

14 A No, details, no.

15 Q Okay. And Mike, what position was he  
16 occupying?

17 A Well, Mike arrived, was 15 years ago, more or  
18 less. I don't remember. He was brought as an  
19 industrial engineer and he was in charge of the  
20 maintenance program and also of the administration of  
21 the service contracts for the, for the maintenance of  
22 different equipment that we have under contract and he  
23 was responsible to maintain and keep the records of the  
24 equipment that were under contract; certify the payments

1 and also there was in the Preventive Maintenance Program  
2 he was responsible for the scheduling of the preventive  
3 maintenance of all the equipment, including the personal  
4 property and what is called the real property, that is  
5 the building management, building service equipment.

6 Q Okay.

7 A And he assigned the property numbers of the  
8 equipment and enter into the computer system, the  
9 computer system that we manage all the whole  
10 maintenance.

11 Q Okay.

12 A And Mike was also used as a resource by  
13 Engineer Manuel Santiago because he's, he's, as an  
14 industrial engineer, has the ability to, to do space  
15 studies or operational procedures in certain areas or  
16 perform, determine the, people needed to do certain  
17 functions or to prepare the "organigrama" in terms of  
18 assigning people to do different tasks.

19 Q Okay. We're stating that you didn't want to  
20 do it in English and you're doing okay.

21 A Thank you. I mean, I prefer it in Spanish  
22 but.

23 Q Okay. And was he ever the major construction  
24 coordinator?

1           A     Yes. Mike when, when the, Mr. Manuel Santiago  
2           resigned to the position and when the reorganization was  
3           into effect, and also we have another changes because we  
4           have another engineers that were transferred from our  
5           department to the construction section that we have,  
6           Net, Engineer Net was with us and we have a program that  
7           was under the supervisor of Engineer Net that we called  
8           Purchase and Hire, that was the Construction Section.

9           This is a section that was in charge of the  
10          construction of, of minor, was called Station Level  
11          Projects. They do remodeling work, installation work  
12          for equipment and whatever.

13          Then Mike, when Mike Morley was the, the --

14          Q     The chief?

15          A     -- the chief for the service, Engineer Bou was  
16          like, like the assistant chief but not in property  
17          because he was never appointed but he was doing the  
18          work.

19          Q     Okay.

20          A     And Mike was the close collaborator with Bou.  
21          They were running, running the show in terms of the  
22          engineer part and Mike was in charge of the P and H  
23          Group.

24          Q     Purchase and?

1 A Purchase and Hire.

2 Q Okay.

3 A Yes. And they did, five, five years, five to  
4 six years, they did this together with the same as  
5 Engineer Bou.

6 Q Okay.

7 A Because Mike Morley was not an engineer.

8 Q So everybody has to assist him?

9 A Yes. We have to give our advice or whatever.

10 Q You did too?

11 A Yes, sure. I have my difference with Mike in  
12 the beginning but.

13 Q He was not going to be fired so everybody  
14 decided to give him a hand?

15 MS. GONZALEZ VALENTIN: Objection,  
16 counsel, to the form of the question.

17 EXAMINATION CONTINUED

18 BY MS. RODRIGUEZ FRANK:

19 Q Okay. Do you know how many employees were  
20 working in --

21 A P & H?

22 Q Uh-huh.

23 A Well, there exist by that time --

24 Q Then, then, then. We're talking about that

1 period in which for five years you were all working --

2 A Yes, yes.

3 Q -- assisting --

4 A Because we have, right now we have more  
5 employees than we had in that time. In that time they,  
6 they were appointed or selected by projects, by projects  
7 or, not were like but they recruited people as they have  
8 money but, to implement the project.

9 Q Okay.

10 A And they recruited by month, three months, six  
11 months but because not the, like general appointments  
12 like for a year, you don't have this kind of  
13 appointment, permanent appointment. I don't know.

14 Right now the things are different. They change,  
15 there was a change of the rules that these people are,  
16 are for longer period of time. I don't know.

17 Q But he might have at least 15 employees under  
18 his charge?

19 A Pardon?

20 Q He had at least 15 employees under his charge?

21 A Well, it could be 15, could be 25. Depends.

22 Q On the projects?

23 A Yes. Was, depended, the number of employees  
24 were, depend on the number of the project that they were

1 working.

2 Q Okay. I understand that Mr. Morley was  
3 transferred out of Puerto Rico and the position became  
4 available?

5 A Yes. For me was a surprise because this was  
6 by the, by February, around February 2002, it was, in  
7 this year, it was in 2002, he was transferred to, to  
8 Washington.

9 Q Okay. And that you were acting chief  
10 during a period of time?

11 A Well, Mr. Manuel Bou was the acting when, when  
12 Mr. Morley left, Mr. Manuel Bou was appointed acting  
13 chief. Then by July, July 2002, was in the summer of  
14 2002, I was called by Jeanette Diaz, by the end of July  
15 and she called me to her office and appointed me as the,  
16 as acting chief, FMS, for four months starting in August  
17 1st, 2002 and ending November 30th, 2002.

18 Q Okay. And how did you agree to occupy this --

19 A Well, I was never asked about this. She  
20 called, she called me to her office and instructed me  
21 and put a letter to be signed by me that I was notified  
22 that I was going to be the acting chief for a period of  
23 this time.

24 Q You were not given the option to say yes or



1 no?

2 A No. Nobody asked me if I was interested. It  
3 was like --

4 Q But did she offer you a cash award?

5 A No.

6 Q No?

7 A She mentioned, she mentioned that she was  
8 going to give us a cash award but never.

9 Q Who's the he that mentioned that?

10 A Jeanette.

11 Q Jeanette?

12 A Yes.

13 Q That she was going to give you both a cash  
14 award?

15 A Yes.

16 Q Were you given a cash award?

17 A No.

18 Q Was your salary increased during that, this  
19 four year period?

20 A No, no. Well, the salary increase has been  
21 the normal salary increases; either by, by the step or  
22 years of service or by the, increase at the beginning of  
23 the year but not by awards or whatever.

24 Q And once the four month period started, who

1 came back to the position of assistant chief --

2 A Engineer Bou.

3 Q Acting chief?

4 A Well, let me explain. During the period that  
5 I was the acting chief, I required a meeting with  
6 Jeanette by the month of, I think it was, could be  
7 September, October of this year to discuss the necessity  
8 or the need to recruit the engineers that we were  
9 needing in the department to cover the different  
10 positions that were lacking because was a real need that  
11 we have there and we, we met at the office of Jeanette.

12 I don't remember if Mike was present but Bou was  
13 present, Lucy Febus was present, was, and I was present  
14 and she promised to us by the month of March of next  
15 year, that was the 2003, we have the people involved  
16 that were needed and I finished my acting period in  
17 November 30 and after November 30th, her intention was  
18 to alternate the, the, the acting chief position between  
19 Bou and me.

20 That's were her intention before having somebody in  
21 property in the position.

22 Q Okay. And were you all GS-1-3 engineers  
23 there, you and Bou were the only GS-13's or was it there  
24 --

1 A Well, I was a GS-13, I was.

2 Q Okay.

3 A And Bou, I think, was.

4 Q And Mike, was he engineer 13?

5 A I don't know if he was.

6 Q Okay. Was he considered in this alternate,  
7 alternate system that she was establishing and I'm  
8 referring to Mike?

9 A To Mike, if Mike was considered? To the best  
10 of my knowledge, I think that, I don't know. Mike never  
11 did the acting position.

12 Q In this period of time?

13 A In this period of time, yes.

14 Q Okay. But when they were, when you all were  
15 working together and Mr. Morley or Bou were not present,  
16 was he ever acting, as far as you can remember?

17 Q Maybe. I don't know if Mike was doing the,  
18 Bou's job. I don't know or part of Bou's  
19 responsibilities because when you are doing the, the  
20 acting job, you have to do others.

21 Q Yours and the others?

22 A Yes.

23 Q So that's not happy.

24 A Other things but if you have something that

1 can help you. Mike was working in close collaboration  
2 with Engineer Bou and they did a, like a team work  
3 between the two and Mike consulted with Bou any question  
4 that he have regarding a project, whatever.

5 Q Okay. Once the position became, of chief  
6 available, did you apply for it?

7 A No.

8 Q Why not?

9 A I'm not, was not interested because due to the  
10 reason that I explained that I have and maybe I was not  
11 very happy with the type of organization and the  
12 problems that were inside of the organization and my  
13 point of view was that it's better not to be involved  
14 in, in this managerial position because I was foreseeing  
15 some problems, especially the technical ones.

16 Q But have those problems taken place, the one  
17 that you were foreseeing?

18 A Well, because when you are in the chief  
19 position you have to, to do deal with all and I prefer  
20 to keep in my area that I was an expertise in my area  
21 and was more easy to deal with the limitations that you  
22 have with all this.

23 Q Once the applications came for service chief,  
24 were you told to go over them?

1           A     Well, the, we got published, the, the position  
2     was published but in my particular case, the  
3     compensation in money was not --

4           Q     Worthwhile?

5           A     -- for me, no, because the difference were two  
6     steps.

7           Q     Okay.

8           A     Because the one that I have to the position,  
9     they will be two steps but.

10          Q     But what I'm saying is that some other people  
11     applied and the applications were reviewed?

12          A     Yes.

13          Q     Were you part of that review committee of  
14     going over the applications?

15          A     Well, because I did not apply for the  
16     position, I was not interested. After we had the  
17     meeting with Jeanette that the, the position was  
18     published and there came around 25, 25 --

19          Q     Applicants?

20          A     -- applicants, applications, I was asked by  
21     Ms. Lucy Febus, Ms. Lucy Febus who was, she's an  
22     administrative assistant of the Service and she told me  
23     that the Personnel Office has asked her to get my, my  
24     assistance to evaluate the different candidates that

1 requested, applied for the position and because this was  
2 a technical, a technical job and Personnel do not have  
3 this kind of specifics to do like screening in the  
4 different.

5 Then they brought me the different applicants, was  
6 like binders and I have to take them to my home to do my  
7 home assignment.

8 Q And among them were Mike's and Bou's?

9 A No, no, nor Mike, nor, nor Bou's, I didn't see  
10 their application.

11 Q But do you know whether they had applied?

12 A No, I don't know. I think that, I don't know  
13 if Mike was interested in the position but I knew that  
14 Mr. Manuel Bou was interested in the position but in the  
15 group of, of applications that they gave to me the  
16 application of Mr. Bou was not there.

17 Q Was there any other employee from the agency  
18 that you know of that applied?

19 A Well, there was some, one engineer that, from  
20 Georgia, Atlanta, from Atlanta. Was a Maintenance and  
21 Repairs engineer in there, I remember this and were  
22 others, federal employees that were in, I think that  
23 with the EPA; Environmental Protection Agency in the  
24 United States and they're planning to come to Puerto

1 Rico.

2 Q And the, did you review the application of the  
3 current chief; Jaime Marrero?

4 A I don't remember.

5 Q You don't remember?

6 A Because of names. I remember that there was  
7 an application from somebody that worked for, for Sabana  
8 Seca. There was an engineer that worked in Sabana Seca  
9 but I don't remember if it was a mechanical or  
10 electrical but there was an application for one engineer  
11 but from --

12 Q But you reviewed 25 applications?

13 A No, not all 25. I reviewed around 20 and  
14 prepared -- No, no, I was in the process of doing the  
15 screening and I have to prepare a sheet for the, for the  
16 different candidates if they qualify or not qualify  
17 and --

18 Q Do you have a copy of that document?

19 A No.

20 Q And who do you give it to?

21 A No, no, no, because I was in a meeting in the  
22 office of Jeanette Diaz and I mentioned this to her and  
23 he disagreed with this and ordered somebody to pick up  
24 all the folders that were in my office and bring them